

on any of these extraneous matters, we need to be convinced that the measures belong in this bill.

Title V apparently sets forth the views of the House Committee on the Judiciary on how best to provide legal protection against misappropriation of collections of information such as databases. I understand that the Administration has indicated that it has serious reservations about this approach, including a concern that it may be unconstitutional. This is a matter the Senate Judiciary Committee plans to address in scheduled hearings. Until those hearings take place, I see no reason to endanger the WIPO bill with a potentially controversial issue that the full Senate Judiciary Committee has not had an opportunity to examine.

Title VI would provide protection for certain boat hull designs. As in the case of the other extraneous provisions added in the House, no one from the House Committee on the Judiciary said a word on the floor about why this change to current law is necessary. At worst, this provision represents fundamental shift in the tradition and breadth of copyright law. At best, it is a dubious idea that was attached without discussion or consideration. The Senate should not include this extraneous matter in the WIPO bill without deliberation.

I would hope all parties to the debate would recognize that much has been done to calibrate the WIPO copyright treaties implementing legislation. Each of us, working alone, would undoubtedly have produced a different bill. In fact, last fall I introduced a bill that I believe did a far better job of implementing the treaties and did not need dozens of carve-outs to deal with the problems created by the approach recommended by the Administration. In any event, we are now late in the session. Much important work has been done in the Senate, and I want to thank the Chairman and Ranking Member of the Judiciary Committee for working with me this spring to address my concerns with this bill. I think the House Committee on Commerce has made additional important contributions. This bill is not a perfect bill, but it is an important bill. Before taking any final action, we should eliminate the extraneous provisions in this bill, while preserving the true heart of the legislation: the WIPO legislation. However, once that analysis has been completed, I would hope we could move this legislation forward.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6652. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Air Force Research Laboratory support functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6653. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Civil Engineering functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6654. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Communications and Telephone Services functions at Wright-Patterson Air Force Base, Ohio; to the Committee on Armed Services.

EC-6655. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Official/Unofficial Weighing Service" (RIN0580-AA55) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6656. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Removal of Quarantine Area" (Docket 97-056-16) received on August 28, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6657. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services" (RIN2900-AJ04) received on August 28, 1998; to the Committee on Veterans Affairs.

EC-6658. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Election of Education Benefits," (RIN2900-AH88) received on August 28, 1998; to the Committee on Veterans Affairs.

EC-6659. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997 through March 31, 1998; to the Committee on Governmental Affairs.

EC-6660. A communication from the Acting Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Foreign Trade Statistics Regulations; Shipper's Export Declaration Re-

quirements for Exports Valued at Less than \$2,500" (RIN0607-AA28) received on August 28, 1998; to the Committee on Governmental Affairs.

EC-6661. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Thrift Savings Plan Loans" received on August 28, 1998; to the Committee on Governmental Affairs.

EC-6662. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding Fulbright-Hays Programs (RIN1840-AC53) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6663. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (benzenesulfonic acid)" (Docket 97F-0467) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6664. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket 98N-0392) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6665. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (light stabilizer)" (Docket 98F-0055) received on August 28, 1998; to the Committee on Labor and Human Resources.

EC-6666. A communication from the President of the United States, transmitting, pursuant to law, notice of an Executive Order to amend Executive Order 12947 in order to more effectively respond to the worldwide threat posed by foreign terrorists; to the Committee on Banking, Housing, and Urban Affairs.

EC-6667. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks" (Docket R-1012) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-6668. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to the Chase Manhattan Bank on a loan to the Ministry of Finance of Croatia; to the Committee on Banking, Housing, and Urban Affairs.

EC-6669. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a loan guarantee Petroleos Mexicanos, Mexico, to support the export sale of oil and gas services and equipment; to the Committee on Banking, Housing, and Urban Affairs.

EC-6670. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Charter and Bylaws; One Member, One Vote" (RIN1550-AB17) received on August 28, 1998; to the Committee on Banking, Housing, and Urban Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-524. A resolution adopted by the Council of the City of Homestead, Florida relative to the renaming of the Everglades National Park; to the Committee on Energy and Natural Resources.

POM-525. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

Whereas, in the War of 1812, the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day and, in its courageous resilience, inspired our national anthem; and

Whereas, in the Second World War, the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

Whereas Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

Whereas the American Flag symbolizes the ideals that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

Whereas the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

Whereas the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

Whereas the American Flag proudly represents the United States at Olympic events; and

Whereas the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas House Joint Resolution 54, which passed the United States House of Representatives and has been referred to the United States Senate, proposes an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas Senate Joint Resolution 40, introduced in the United States Senate, proposes

an amendment to the United States Constitution stating, "The Congress shall have power to prohibit the physical desecration of the flag of the United States"; and

Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Be it *Resolved by the Alaska State Legislature*, That the Congress of the United States is requested to pass House Joint Resolution 54 or Senate Joint Resolution 40, or comparable legislation, and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress power to prohibit the physical desecration of the Flag of the United States; this request does not constitute a call for a constitutional convention; and be it

*Further resolved*, That the legislatures of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress.

POM-526. A resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

## ASSEMBLY JOINT RESOLUTION No. 60

Whereas, The United States Air Force Reserve operational unit, which is now the 940th Air Refueling Wing (940th ARW), has been in the Sacramento Valley since 1963; and

Whereas, The 940th ARW, which has been located at various times at Mather Air Force Base, McClellan Air Force Base, and Beale Air Force Base, has a proud tradition of supporting the nation's defense since the 940th ARW's activation; and

Whereas, The mission of the 940th ARW is to perform global air refueling and strategic airlift operations, which allow other aircraft to fly far beyond their normal range by overcoming the restrictions imposed by limited onboard fuel capacity; and

Whereas, The 940th ARW has participated in many conventional and humanitarian efforts that were undertaken by the Department of Defense and the United Nations, including rebuilding schools in Honduras, providing food and medical supplies to Somalia, and deployment in support of democracy in Haiti; and

Whereas, The 940th ARW was the first Air Force Reserve unit to establish ground operations in the Middle East as a part of Desert Shield when it deployed hundreds of United States military reservists to Saudi Arabia in August 1991, just days after the invasion of Kuwait; and

Whereas, The 940th ARW continues to support peace in Bosnia by supporting joint service missions and conducting peace-keeping operations in the skies above the former Yugoslavia; and

Whereas, The 940th ARW flies KC-135E model aircraft equipped with TF-33 engines that are reaching the end of their 10-year to 15-year life span; and

Whereas, These engines are of 1960's technology and do not meet contemporary international or United States noise, emission, and fuel efficiency standards; and

Whereas, Conversion to the KC-135R model engine would provide each aircraft with 26 percent more thrust on takeoff and 18 percent improved fuel consumption, offering increased offload capacity of 20,000 pounds of fuel; and

Whereas, The KC-135R model engine exceeds in-flight noise standards and offers a 69 percent reduction in in-flight engine emissions; and

Whereas, These engines are widely used in the commercial sector, making repair and parts available worldwide; and

Whereas, The 940th ARW is the only air refueling wing positioned in the central west coast that is capable of conducting or hosting "bridge" refueling operations for global deployment of United States Armed Forces to the Pacific region; and

Whereas, Conversion to the KC-135R aircraft with the multiport refueling system would allow the 940th ARW to cost-effectively support United States Marine Corps and United States Navy aircraft that are based at El Centro, Lemoore, and Miramar, California, and at Fallon, Nevada, as well as other locations worldwide; and

Whereas, The 940th ARW has been moved from Mather AFB to McClellan AFB due to Base Realignment and Closure (BRAC); and

Whereas, Conversion to the KC-135R model engine would ensure that the 940th ARW remains a viable-force structure asset and would preserve, for the Department of Defense and the nation, the skills of its 950 members, including 185 full-time employees of the unit who live in the central valley, including Sacramento, El Dorado, Yolo, Yuba, Sutter, Placer, and San Joaquin Counties; and

Whereas, Conversion to the KC-135R model engine would protect the 940th ARW's \$22,000,000 contribution to the local economy in the form of maintaining salaries and operating expenses; and

Whereas, The 940th ARW creates an estimated 300 secondary jobs; and

Whereas, The loss of the 940th ARW would have a significant negative impact on the region's economy; and

Whereas, Resource limitations may not allow the United States Air Force Reserve to fund the conversion of both of its remaining KC-135E units to the KC-135R aircraft, since the Air Force Reserve Command has earmarked funding for the conversion of four additional aircraft, but has not decided which of the two remaining KC-135E model units will be converted; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature memorializes the President and the Congress of the United States to endorse, support, and fund the 940th ARW as the next KC-135 unit to convert to KC135-R model aircraft, because that conversion would ensure that the 940th ARW remains a relevant, capable, and necessary part of the United States Air Force mission in the 21st century and a viable and productive asset to the Department of Defense, the State of California, and the nation; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the Senate Armed Services Committee and the House Veterans Affairs Committee.

POM-527. A resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

## ASSEMBLY JOINT RESOLUTION No. 63

Whereas, The Elk Hills Naval Petroleum Reserve contains within it two sections of